

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

IN RE	X	CASE NO. 24-50876-MMP
	X	
TRIAD MOTORS, LTD.	X	
	X	
DEBTOR	X	CHAPTER 11

**MOTION OF RICHARD CARRIER, AND WIFE, TAMMY L. CARRIER FOR RELIEF
FROM AUTOMATIC STAY AGAINST PROPERTY AND WAIVER OF THIRTY (30)
DAY HEARING REQUIREMENT**

TO THE HONORABLE MICHAEL M. PARKER, JUDGE,
UNITED STATES BANKRUPTCY COURT:

Richard Carrier, and wife, Tammy L. Carrier (“Movants”), creditors in the above-referenced bankruptcy proceeding, file this their Motion For Relief From Automatic Stay Against Property, and in support thereof would respectfully show the following:

Background and Jurisdiction

1. This is a contested matter seeking relief from the automatic stay over which this Court has jurisdiction pursuant to 28 U.S.C. §1334 and §157, and the Order of Reference of the United States District Court for the Western District of Texas.
2. This action is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(G).
3. This Motion is made pursuant to 11 U.S.C. §362(d) and is governed by Federal Bankruptcy Rules 4001(a) and 9014, and this Court’s Local Bankruptcy Rule 4001.

4. On May 10, 2024, Triad Motors, Ltd. ("Debtor") filed a voluntary Petition for relief under Chapter 11 of the Bankruptcy Code.
5. Movants own a 1971 Red Ford Bronco (VIN U1SGLK67444). A copy of the Title is attached hereto as Exhibit "A". The Bronco is owned by the Movants free and clear of liens.
6. Movants entered into a Consignment Agreement with the Debtor (Hovey Motor Cars) dated September 7, 2023, a copy of which agreement is attached hereto as Exhibit "B". Pursuant to the agreement, the Debtor was to sell the Bronco and pay the Movants a net figure of \$40,000.00.
7. The Movants have and continue to hold the Title to the Bronco in their possession.
8. The Movants recently learned that the Debtor sold the Bronco without their knowledge, without paying the Movants as agreed to, all while Movants continue to hold the Title to the Bronco.
9. The Debtor never contacted the Movants regarding the sale of the Bronco.
10. Movant's were not given notice of the Debtor's bankruptcy filing by listing them as a creditor, including the Schedules and Statement of Financial Affairs filed on June 10, 2024.
11. The attempted sale of the Bronco by the Debtor is not an effective sale of the Bronco. The Movants hold the title, which cannot be transferred without their consent.

Grounds for Relief

12. The automatic stay created by the filing of the petition for relief should be terminated pursuant to 11 U.S.C. §362(d) to allow Movants to take whatever action necessary to exercise their rights and remedies under non-bankruptcy law against the 1971 Red Ford Bronco (VIN U1SGLK67444), either judicially or non-judicially, including but not limited to, the right to repossess the 1971 Red Ford Bronco from the third party that the Debtor wrongfully attempted to

sell the vehicle. The automatic stay in this bankruptcy proceeding should be terminated in this case for cause, including, but not limited to the following:

- a. Lack of adequate protection of Movants' interest in the Consigned Vehicle. The Debtor owns no interest in the 1971 Red Ford Bronco (VIN U1SGLK67444), which the Debtor has attempted to sell to a third party improperly pre-petition and without notice to the Movants.
- b. Lack of adequate protection of Movants' interest in the Vehicle and Cause. The Debtor owns no interest in the 1971 Red Ford Bronco (VIN U1SGLK67444), which the Debtor has attempted to sell to a third party improperly pre-petition and without notice to the Movants.

13. Movants request that the 14 day period of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure be waived.

14. By alleging specific grounds for the termination of the automatic stay under Section 362(d) of the Bankruptcy Code, Movants do not waive the requirements of Section 362(g) of the Bankruptcy Code allocating the burden of proof in hearings held on this Motion.

15. Nothing herein is a waiver by Movants of their claims against the Debtor regarding its wrongful disposition of the 1971 Red Ford Bronco (VIN U1SGLK67444), and the exercise by Movants of their rights under the Consignment Agreement described above and applicable law.

16. A copy of the Order being uploaded with this Motion is attached hereto.

Prayer for Relief

WHEREFORE, PREMISES CONSIDERED, pursuant to 11 U.S.C. §362(d), Movants seek relief from the automatic stay as to the 1971 Red Ford Bronco (VIN U1SGLK6744) described above under the Consignment Agreement in order to allow Movants to give all notices required by applicable law and by the Consignment Agreement to terminate the Consignment Agreement,

including the repossession of their 1971 Red Ford Bronco (VIN U1SGLK6744) and/or take other loss mitigation options, to exercise all Movant's rights and remedies under said Consignment Agreement and/or State law to gain possession of the 1971 Red Ford Bronco, and for waiver of the 14-day period of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure. Movants further prayer for such other and further relief to which their may be justly entitled to receive.

Date: June 12, 2024.

Respectfully submitted,

/s/ William R. Davis, Jr.
WILLIAM R. DAVIS, JR.
State Bar No. 05565500
ANGLEY & BANACK, INC.
745 E. Mulberry, Suite 700
San Antonio, Texas 78212
(210) 736-6600
(210) 735-6889 (facsimile)
wrdavis@langleybanack.com

Attorneys for Movants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached Motion was served upon the following parties by deposit into the care and custody of the United States Mail on the 12th day of June, 2024, in envelopes addressed to the attached notice list.

/s/ William R. Davis, Jr.
WILLIAM R. DAVIS, JR.

Label Matrix for local noticing
0542-5
Case 24-50876-mmp
Western District of Texas
San Antonio
Tue Jun 11 11:29:45 CDT 2024

ADMIRAL PROPERTIES OF TEXAS
30775 IH 10 WEST
Boerne, TX 78006-9211

Triad Motors Ltd.
30775 IH-10 West
Boerne, TX 78006-9211

U.S. BANKRUPTCY COURT
615 E. HOUSTON STREET, ROOM 597
SAN ANTONIO, TX 78205-2055

ADRINA VALAZQUEZ
4713 CLUB FACE
San Antonio, TX 78261-1742

AMERICAN EXPRESS - CORPORATE
P.O. BOX 6031
CAROL STREAM, IL 60197-6031

AMERICAN EXPRESS - PLATINUM
P.O. BOX 6031
CAROL STREAM, IL 60197-6031

AUSTIN TONROY
407 HWY 289
Comfort, TX 78013-3418

AXLE FUNDING
15301 N. DALLAS PARKWAY
STE. 800
Addison, TX 75001-6713

American Express - Blue Prints
POB 6031
Carol Stream, IL 60197-6031

CARLOS MOORE
1218 SOUTH MAIN, UNIT B
Boerne, TX 78006-2828

CDK GLOBAL, LLC
P.O. BOX 88921
Chicago, IL 60695-1921

CHRISTOPHER GROSE
13262 HUNDERS LARK
San Antonio, TX 78230-2018

CRAIG PORTER
11 ORSINGER
San Antonio, TX 78230

DAVID HEEMAN
11844 BANDERA #265
Helotes, TX 78023-4132

DAVID RIVERA
6511 Fountain Way
South Padre Island, TX 78597-7738

FELIX PARDO
715 PINS FOREST
San Antonio, TX 78253-5843

GREGORY REHELD
8629 SHADY GATE
Boerne, TX 78015

Gerrit Schulze
13750 San Pedro
Suite 810
San Antonio, TX 78232-4320

JANE GUERRERO
14555 GUNTER AVE.
San Antonio, TX 78254-1818

JOHN N. PHILLIPS
21207 ACORN COVE
San Antonio, TX 78258-7443

John Quintanilla
165 W. Rampart, Apt 503
San Antonio, TX 78216-6768

KENNETH DORROUGH
581 HARBOUR WAY
LAKE HILLS, TX 78063-6786

LUIS DELAGARZA
27595 IH 10 W #1238
Boerne, TX 78006-6695

MIGUEL ESPINOZA
21259 CORAL SPUR
San Antonio, TX 78259-2070

Miguel Espinoza
c/o Gerrit Schulze
13750 San Pedro
Suite 810
San Antonio, Texas 78232
gerrit@txsuits.com 78232-4320

NEXTGEAR CAPITAL, INC.
11799 N. COLLEGE AVENUE
Carmel, IN 46032-5605

NextGear Capital, Inc.
c/o Greenberg Traurig, LLP
Attn: John D. Elrod
3333 Piedmont Rd NE, Suite 2500
Atlanta, GA 30305-1780

PAUL KIRISITS
3223 ROSETTI DR.
San Antonio, TX 78247-5108

ROBERT NOHRN
148 DODGE ROAD
Boerne, TX 78006

SBA DISASTER LOAN
14925 KINGSPORT RD.
FT. WORTH, TX 76155-2243

STEVEN B. BASS
Assistant United States Attorney
903 San Jacinto Blvd., Suite 334
Austin, Texas 78701-2449

Security Service Federal Credit Union
c/o Law Offices of Elizabeth G. Smith
6655 First Park Ten, Suite 240
San Antonio, TX 78213-4304

Steve CJDR Gonzles, LLC
3698 N. Hwy 183
Gonzales, TX 78629-2178

United States Trustee - SA12
US Trustee's Office
615 E Houston, Suite 533
San Antonio, TX 78205-2055

United Texas Credit Union
c/o D. Wade Hayden
Hayden & Cunningham, PLLC
7750 Broadway
San Antonio, Texas 78209-3244

WILLIAM CAISSE
3036 FALL VALLEY DR.
San Antonio, TX 78247-3224

XL Funding, LLC
c/o Owen C. Babcock
Padfield & Stout, LLP
100 Throckmorton, Ste. 700
Fort Worth, TX 76102-2837

James Samuel Wilkins
James S. Wilkins, PC
1100 NW Loop 410, Suite 700
San Antonio, TX 78213-2258

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d) Kenneth Dorrough
581 Harbour Way
Lake Hills, TX 78063-6786

End of Label Matrix	
Mailable recipients	38
Bypassed recipients	1
Total	39